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17 Attorneys for Plaintiffs
 CORY SPENCER, DIANA MILENA
 18 REED, and COASTAL PROTECTION
 RANGERS, INC.
 19

20 **UNITED STATES DISTRICT COURT**
 21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
 22

23 CORY SPENCER, an individual;
 24 DIANA MILENA REED, an
 individual; and COASTAL
 25 PROTECTION RANGERS, INC., a
 26 California non-profit public benefit
 corporation,

27 Plaintiffs,
 28

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF DANIEL
 JONGEWARD IN SUPPORT OF
 PLAINTIFFS' MOTION FOR CLASS
 CERTIFICATION**

Judge: Hon. S. James Otero

Date: February 21, 2017

Time: 10:00 a.m.

Crtrm.: 10C. 1st Street Courthouse

1
2 v.

3 LUNADA BAY BOYS; THE
4 INDIVIDUAL MEMBERS OF THE
5 LUNADA BAY BOYS, including but
6 not limited to SANG LEE, BRANT
7 BLAKEMAN, ALAN JOHNSTON
8 AKA JALIAN JOHNSTON,
9 MICHAEL RAE PAPAYANS,
10 ANGELO FERRARA, FRANK
11 FERRARA, CHARLIE FERRARA,
12 and N. F.; CITY OF PALOS
13 VERDES ESTATES; CHIEF OF
14 POLICE JEFF KEPLEY, in his
15 representative capacity; and DOES
16 1-10,

17 Defendants.

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

18 I, Daniel Jongeward, declare as follows:

19 1. I am a Southern California native and reside in Brawley,
20 California in Imperial County. I currently work as a Licensed Marriage and
21 Family Therapist ("LMFT") and a psychotherapist. I have personal
22 knowledge of the matters stated in this declaration and, if called as a
23 witness, could and would testify competently as to its contents.

24 2. When I am not working, I enjoy spending time outdoors and at
25 the beach. I started surfing at the age of 9 or 10. I surfed competitively
26 during my military service from 1972 to 1976 as a member of the U.S. Navy
27 Marine Surfing Team. In the 1980s and 1990s, I surfed nearly every day.
28 And although it is less convenient to do so now due to where I live, I still surf
every few months.

3. In the early 1980s, I was what one would call a "big wave
chaser." There were no online services like www.surfline.com to tell you

1 where the big waves were. Instead, a surfer would check the weather
2 reports and try to predict where the big waves would hit. On a day in early
3 1980, I was on the Redondo Beach breakwater when a fellow surfer told me
4 that I should visit Lunada Bay because it had a lot of great waves. Although
5 I did not have a surfboard with me, I decided to drive over to Lunada Bay to
6 scout out the location.

7 4. When I arrived at Lunada Bay, at least three men stopped me
8 and asked, "Who are you, and what are you doing here?" I was familiar with
9 the concept of localism and had heard from members of the surfing
10 community that the locals at Lunada Bay could be pretty hostile. I said to
11 them, "I'm just hiking." I told them that I had heard they had big waves at
12 Lunada Bay. They became quite defensive when I said that I had heard
13 they had big waves. The men then said, "As long as you are not surfing,
14 you are fine." The men left me alone for the remainder of the time that I was
15 at Lunada Bay that day.

16 5. After that first visit, I went on to surf at Lunada Bay roughly five
17 times over the next four years, between 1980 and 1984. Because I had
18 already visited Lunada Bay once before, I knew how to get there and access
19 the trail that led to the beach. My strategy was to get to Lunada Bay early in
20 the morning before the sun came up so I could get a few good waves before
21 the locals got there. I could enjoy myself when I was alone during the early
22 morning surfs. However, by the time I exited the water, if the locals had
23 arrived, then there was always trouble.

24 6. During those four years, every time I went to Lunada Bay, I was
25 hassled. Men I believed to be locals threw rocks and dirt clods at me. I
26 would purposely carry my surfboard over my head to try to avoid getting hit
27 by the rocks. One time I returned to my car after surfing and found the
28 locals had used surfboard wax all over my car windows and windshield so I

1 could not see out of my windows. Fortunately, it wiped off easily and did not
2 cause any permanent damage.

3 7. After the surf wax incident, I began parking my car in the
4 residential neighborhoods rather than at the beach access point. Even
5 though parking in the residential neighborhood forced me to hike more than
6 a quarter mile away while carrying all of my surf gear, it was the only way I
7 could be sure that my tires would not get slashed and my car would not get
8 damaged by the locals while I was in the water.

9 8. The local men at Lunada Bay were just as hostile in the water as
10 they were on the trail. The men would scream and yell, "Get out of the
11 water!" to threaten me and make my experience uncomfortable. The men
12 would give non-resident beachgoers dirty looks any time they tried to come
13 in or out of the water. If a non-resident came through the inside of a big
14 wave, the local men would try to "snake" or drop in on him which means to
15 take off in front of the surfer who is already riding the wave and is closest to
16 the curl. This can be really dangerous for a surfer.

17 9. When the locals at Lunada Bay harassed me and told me to
18 leave, I would walk down the trail to the beach with an attitude as if I owned
19 the place. I learned martial arts when I was in the military, and I do not fear
20 people. I also know that bullies often act out because they are often just
21 scared themselves. However, there was something about this group of men
22 that went beyond typical localism and bullying. The behavior by the locals at
23 Lunada Bay was unique because they tried to keep everyone—even the
24 people who could surf—out of the water if they were not from there. These
25 men were set on causing trouble. They were genuine bullies: Their actions
26 were planned to keep outsiders away from what they considered their
27 beach. I did not agree with their actions or the way they treated visitors to
28 Lunada Bay. And although the majority of my sons surf, sadly, because of

1 the actions by the locals, I never took them to Lunada Bay when they were
2 young because I did not think it was safe to bring them there.

3 10. By the late 1980s, I chose not to surf at Lunada Bay anymore. I
4 would only go to Lunada Bay to see it, but it was no longer safe to get in the
5 water. I personally grew tired of surfing at Lunada Bay because I was
6 hassled every time I entered or exited the water. Even though surfers could
7 get big waves at Lunada Bay, the consensus amongst my friends and me
8 was that we didn't want to do it, no matter how good the waves were. There
9 were other places to surf that were further away and not nearly as beautiful
10 as Lunada Bay, but it was too much trouble to go to Lunada Bay and
11 contend with the hostility of the locals.

12 11. My hope today is that people will be able to go to Lunada Bay
13 and not have to worry about their personal safety. I believe these local men
14 are genuinely dangerous. If these men persist in this behavior, I am afraid
15 somebody is going to get seriously hurt. It could be a visitor who gets hurt in
16 the water or on the trail by a Bay Boy. Or one of those Bay Boys may get
17 hurt when he finally encounters a non-resident beachgoer who is not going
18 to tolerate their antics.

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1 12. I would like to see Lunada Bay opened up to the visiting public
2 again. I think Lunada Bay is absolutely gorgeous, and it should be free for
3 all citizens to go down there and enjoy it. I would love to do a mass surf-in
4 with 15 or 20 men at Lunada Bay. It is sad that it cannot happen now
5 because of the threat from the men out there.

6
7 I declare under penalty of perjury under the laws of the United States
8 of America that the foregoing is true and correct.

9
10 Executed in Brawley, California on December 23, 2016.

11
12 
13 DANIEL JONGEWARD